

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF ALASKA AT ANCHORAGE

3 UNITED STATES OF AMERICA for the
4 use of NORTH STAR TERMINAL &
5 STEVEDORE COMPANY, d/b/a NORTHERN
6 STEVEDORING & HANDLING, and NORTH
7 STAR TERMINAL & STEVEDORING COMPANY,
8 d/b/a Northern Stevedoring &
9 Handling, on its own behalf,

10 Plaintiffs,

11 vs.

12 UNITED STATES OF AMERICA for the
13 use of SHORESIDE PETROLEUM, INC.,
14 d/b/a Marathon Fuel Service, and
15 SHORESIDE PETROLEUM, INC., d/b/a
16 Marathon Fuel Service, on its own
17 behalf,

18 Intervening Plaintiffs,

19 and

20 METCO, INC.,

21 Intervening Plaintiff,

22 vs.

23 NUGGET CONSTRUCTION, INC.; SPENCER
24 ROCK PRODUCTS, INC.; UNITED STATES
25 FIDELITY AND GUARANTY COMPANY;
and ROBERT A. LAPORE,

Defendants.

Case No. A98-009 CIV (HRH)

DEPOSITION OF JACK GOODWILL

Taken March 16, 2006
Commencing at 12:34 p.m.

Volume I - Pages 1 - 91, inclusive

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| <p style="text-align: right;">Page 2</p> <p>1 2 3 Taken by the Defendants 4 at 5 Oles Morrison Rinker & Baker, LLP 6 745 West Fourth Avenue, Suite 502 7 Anchorage, Alaska 8 9 Reported by: 10 Mary A. Vavrik, RMR 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> | <p style="text-align: right;">Page 4</p> <p>1 2 Taken by: 3 Mary A. Vavrik, RMR 4 5 BE IT KNOWN that the aforementioned deposition was 6 taken at the time and place duly noted on the title 7 page, before Mary A. Vavrik, Registered Merit 8 Reporter and Notary Public within and for the State 9 of Alaska. 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> |
| <p style="text-align: right;">Page 3</p> <p>1 A-P-P-E-A-R-A-N-C-E-S 2 For Plaintiff North Star Terminal & Stevedore 3 Company and the witness: 4 Michael W. Sewright 5 Burr, Pease & Kurtz 6 810 N Street 7 Anchorage, Alaska 99501 8 (907) 276-6100 9 10 For Intervening Plaintiffs Shoreside Petroleum, Inc. 11 and Metco, Inc.: 12 Steven J. Shamburek 13 Law Office of Steven J. Shamburek 14 425 G Street, Suite 630 15 Anchorage, Alaska 99501 16 (907) 522-5339 17 18 For Defendants Nugget Construction, Inc. and United 19 States Fidelity and Guaranty Company: 20 Thomas R. Krider 21 Oles Morrison Rinker & Baker, LLP 22 701 Pike Street, Suite 1700 23 Seattle, Washington 98101-3930 24 (206) 623-3427 25 For Defendant United States Fidelity and Guaranty Company: Herbert A. Viergutz Barokas Martin & Tomlinson 1029 West 3rd Avenue, Suite 280 Anchorage, Alaska 99501 (907) 276-8010 Also present: John Smithson Nugget Construction, Inc. Witness: Jack Goodwill P.O. Box 594 Seward, Alaska 99664</p> | <p style="text-align: right;">Page 5</p> <p>1 P-R-O-C-E-E-D-I-N-G-S 2 (Exhibit No. 1 marked.) 3 JACK GOODWILL, 4 called as a witness herein, being first duly sworn 5 to state the truth, the whole truth and nothing but 6 the truth by the Notary, testified under oath as 7 follows: 8 EXAMINATION 9 BY MR. KRIDER: 10 Q Mr. Goodwill, could you please state and spell 11 your name for the record? 12 A Jack Goodwill. J-A-C-K G-O-O-D-W-I-L-L. 13 Q Mr. Goodwill, my name is Tom Krider. I'm an 14 attorney for Nugget and USF&G in this matter. Have 15 you ever had your deposition taken before? 16 A Maybe once. 17 Q Do you recall what that was for? 18 A It was for a ship that we had loaded in Seward 19 years ago, and they didn't pay the money that they 20 owed for the services rendered, and I think at some 21 point in time they came back into the country. We 22 had a -- we seized the ship, so I had to give a 23 statement about the loading of the ship. 24 MR. SEWRIGHT: Mr. Goodwill, you are 25 going to have to make an extra effort to speak up.</p> |

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| <p style="text-align: right;">Page 6</p> <p>1 This room, we have noticed before, has a pretty loud 2 fan, and it interferes with the reporter's ability 3 to hear. Also, can we identify everybody else here 4 at the deposition? Myself, Mike Sewright, 5 representing North Star Terminal & Stevedore Company 6 and the witness. 7 MR. SHAMBUREK: Pardon? 8 MR. KRIDER: Mike is just asking 9 everybody to introduce themselves for the record. 10 MR. SHAMBUREK: Steve Shamburek. I 11 represent plaintiff and use plaintiff Shoreside 12 Petroleum, Inc., and plaintiff and use plaintiff, 13 Metco, Inc. 14 MR. VIERGUTZ: Herb Viergutz, 15 USF&G. 16 MR. KRIDER: And John Smithson is 17 here on behalf of Nugget. 18 BY MR. KRIDER: 19 Q Mr. Goodwill, did your counsel go over with you 20 this morning the general parameters of a deposition, 21 in terms of it being a question and answer session 22 and that I'm going to be asking you questions with 23 regard to the Spencer Rock Products Homer Spit 24 project? 25 A Yes.</p> | <p style="text-align: right;">Page 8</p> <p>1 A No. 2 Q You said something about them coming back into 3 the country? 4 A Right. 5 Q Now, you had been hired by the actual vessel? 6 A Correct. 7 Q And do you recall approximately what time frame 8 that deposition took place in? 9 A Gosh, I've worked for North Star for 25 years. 10 It's probably 15 years ago, maybe. I'm not certain. 11 MR. KRIDER: I'm going to ask the 12 court reporter -- you asked him about his mailing 13 address before we started, is that correct, and you 14 have that for purposes of the record? 15 THE COURT REPORTER: (Nods head.) 16 BY MR. KRIDER: 17 Q Mr. Goodwill, are you currently employed? 18 A Right now, no. I'm semi-retired. I worked for 19 North Star 25 years. I currently don't work in the 20 winter. I work for the Alaska Railroad, summer 21 employment. 22 Q And when did you cease working for North Star? 23 A Around 2002, I believe it was. 24 Q And what was the reason for your departure? 25 A They sold the company and did some</p> |
| <p style="text-align: right;">Page 7</p> <p>1 Q It's critical, because the court reporter is 2 taking down everything that we say here, that you 3 give audible answers, yesses and nos instead of 4 uh-huhs or shoulder shrugs or head nods. If there 5 is a question that you do not understand, I'd be 6 happy to rephrase it for you. And obviously, as 7 Mr. Sewright pointed out, it's kind of a noisy room, 8 so if you can speak up so I can hear you and the 9 court reporter can hear you, that would be great. 10 I'd like to go back to the prior time that you 11 were deposed. You said that there was a situation 12 in which you had not been paid for services 13 rendered. Is that what you testified to in terms of 14 your prior deposition? 15 A You know, it's been -- it's been so long ago, 16 I'm not sure if I just did an affidavit or if it was 17 a deposition. 18 Q You said the circumstances were that you had 19 not been paid. Do you remember who it was you had 20 not been paid by? 21 A No, I don't recall. 22 Q Do you recall who had hired you? 23 A It was a logging steamship company. I just 24 don't remember. 25 Q Was the steamship company U.S. based?</p> | <p style="text-align: right;">Page 9</p> <p>1 restructuring. 2 Q And was your position eliminated? 3 A Yes. 4 Q And you said that was roughly in 2002? 5 A Yes. 6 Q Do you remember what portion of 2002; early, 7 late? 8 A About mid. 9 Q Do you know whether or not the operations at 10 Seward for North Star had declined prior to your 11 being laid off? 12 A Yes, it had. 13 Q Do you know how significantly? 14 A Very significantly. 15 Q Do you have an understanding as to why that 16 happened? 17 A Yes. 18 Q And what is your understanding? 19 A The Alaska Railroad made it an open dock, so 20 North Star didn't have an exclusive contract on the 21 dock, and Southeast Stevedoring was able to obtain a 22 terminal use permit, and they were able to do the 23 stevedore work for the cruise ships, which was 24 probably 90 percent of the work in the port. 25 Q Now, there is two ports in Seward, correct?</p> |

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| <p style="text-align: right;">Page 10</p> <p>1 A There is three docks. One is owned by the 2 city, which is the Seward Marine Industrial Center. 3 And then there is the Alaska Railroad freight dock, 4 and then there is the Alaska Railroad cruise ship 5 dock. 6 Q Okay. And the two Alaska Railroad docks, are 7 they basically right next to each other? 8 A Yes. 9 Q And the exclusive rights that North Star had 10 was for which dock? 11 A The freight dock wasn't built at that time of 12 the -- of the Nugget operation. It was just the 13 cruise ship dock at that time, I believe. 14 Q Okay. So at the time in the 1997 time frame 15 when the events involving this litigation occurred, 16 there was only two docks in Seward? 17 A Yes. 18 Q Alaska Railroad dock and the city dock? 19 A Yeah. We don't want to include, I don't think, 20 the loading docks, like the coal facility where they 21 load it with the chute. That is considered a dock. 22 And then there was an abandoned dock across the bay 23 for wood chips, but those were more or less for 24 loader head operations. 25 Q Would it be fair to say that for the rock</p> | <p style="text-align: right;">Page 12</p> <p>1 A I think my whole career has kind of been 2 centered around supervising that dock, just with a 3 little more authority as time went on. 4 Q All right. Well, let's go ahead and focus, 5 then, on the 1997 time period. What was your title 6 in 1997? 7 A I was the vice president for Northern 8 Stevedoring & Handling Corporation. 9 Q And what did your duties entail? 10 A They involved all the services that would be 11 required to operate that terminal to provide the 12 labor and equipment, the time sheet portion, 13 payroll, billing, rates. 14 Q So all of those functions actually took place 15 within Seward? 16 A Yes, sir. 17 Q Where was the main offices for North Star? 18 A Anchorage. 19 Q So each of the facilities for North Star had 20 their own accounting systems? 21 A We used the same computer. We subbed out 22 the -- to a computer company to actually print out, 23 you know, the checks, the payroll portion, and as 24 the years went on, they kind of merged together. We 25 were pretty much isolated. When I first started</p> |
| <p style="text-align: right;">Page 11</p> <p>1 loading that took place for this project, that there 2 were only two docks available in Seward for doing 3 that? 4 A Yes, sir. 5 Q Is the city dock also referred to as the 4th of 6 July dock? 7 A Yes, sir. 8 Q And what's the best common phrase for the 9 Alaska Railroad dock, just that? 10 A It used to be just the railroad dock, but now 11 it's cruise oriented, so now it's the cruise ship 12 dock. 13 Q Now, you mentioned earlier that you had worked 14 for North Star for 25 years. Is that an exact 15 figure, or do you recall a date that you actually 16 started? 17 A I started longshoring in '75, and then I 18 longshored through halfway through '77. And I 19 started work for them in 1977, about mid-year. 20 Q '77 as a permanent employee for North Star? 21 A Yes, sir. 22 Q And what was your role when you were first 23 hired on? 24 A I was a dock supervisor. 25 Q And how long did you perform in that role?</p> | <p style="text-align: right;">Page 13</p> <p>1 there was -- the Shingletons were there, and they 2 were -- did all their own book work, and then as -- 3 when they moved on, then Anchorage started taking a 4 little more and more of some of the paperwork. 5 Q Had North Star bought a local Seward stevedore 6 company when they first got into Seward? You 7 mentioned somebody had been there. 8 MR. SEWRIGHT: Object to the form of 9 the question. Foundation hasn't been laid that this 10 witness would know. 11 BY MR. KRIDER: 12 Q You mentioned that somebody had been there and 13 then transitioned out. I'm curious as to what the 14 circumstances were of those folks. Had they been 15 prior owners, prior employees? 16 A Prior employees. He was the vice president and 17 his wife was the office manager. 18 Q Do you know how long North Star had operations 19 in Seward? 20 A Early '50s, I believe it was. 21 Q Had North Star always owned the company that it 22 was operating in Seward? 23 MR. SEWRIGHT: Object, form of the 24 question, foundation. 25 MR. KRIDER: Withdrawn.</p> |

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| <p style="text-align: right;">Page 14</p> <p>1 MR. SEWRIGHT: I was barely around in 2 the '50s. 3 BY MR. KRIDER: 4 Q Did you report to anybody in the Seward office? 5 A In the Seward office. 6 Q Correct. 7 A Until -- I did report to Gail Shingleton until 8 he retired, and then I reported to Anchorage. 9 Q And when did he retire? 10 A Probably 20 years, maybe; 15, 20 years. 11 Q So did everybody within Seward report to you, 12 or were there independent lines of supervision 13 directly to Anchorage other than through you in 14 1997? 15 A No. I was the person in charge. 16 Q So all functions at Seward reported to you? 17 A Yes. 18 Q What's your first recollection of Spencer Rock 19 Products and the Homer Spit rock project? 20 MR. SEWRIGHT: Do you understand the 21 question? 22 THE WITNESS: Yes. It was Bob LaPore 23 made contact with me and was -- told me about this 24 job that Spencer Rock and Nugget Construction were 25 working together on. And he kind of came down just</p> | <p style="text-align: right;">Page 16</p> <p>1 getting rock from his quarry onto the barges 2 themselves? 3 A I don't recall if it was at that meeting or if 4 it was -- you are still referring to the initial 5 first contact or -- 6 Q Correct. 7 A I believe he did to the extent that his idea, 8 which was a very good one, was to have something 9 there like in the way of a bucket or a net or 10 whatever, but the bucket seemed to make the most 11 sense because you could back a truck right up and 12 dump the whole load right into the bucket, and away 13 you go with the whole truckload. That was kind of 14 what we centered our thought on, the loading 15 process. 16 Q So the skip bucket notion actually arose in the 17 very first meeting? 18 A That's what I'm not certain about time-wise. I 19 think we kind of -- I don't really recall if it was 20 over like the next week or the -- if it was -- you 21 know, I can't time frame it down to the exact date. 22 Q Prior to when work began, did Mr. LaPore make 23 more than one trip to Seward? 24 A I don't -- I don't recall. I think -- I think 25 he was doing more research on the bucket idea up in</p> |
| <p style="text-align: right;">Page 15</p> <p>1 to get his feelers out and said that Nugget 2 Construction and himself had -- what their intent 3 was and plans were, what they were hoping to do in 4 the future. And that was in '96, I believe. 5 BY MR. KRIDER: 6 Q So he actually came to Seward? 7 A Yes. 8 Q And where did you meet him? 9 A In my office at the Alaska Railroad dock. 10 Q Do you remember whether you took any notes of 11 that meeting with Mr. LaPore? 12 A I don't recall. Just -- specifically, I think, 13 when someone like that would -- I don't recall if I 14 had notes or not. 15 Q Did Mr. LaPore ask you for pricing at that 16 meeting? 17 A No. It was just -- I'm not sure if he had been 18 to Seward before. I think he was just kind of 19 looking around and kicking around the idea and 20 looking at the facility, looking at the equipment, 21 and basically said there was a large quantity of 22 rock that they wanted to put on the barges. They 23 were just kind of feeling it out, probably for the 24 feasibility. 25 Q Did he talk to you any about his plan for</p> | <p style="text-align: right;">Page 17</p> <p>1 the Anchorage area. 2 Q But you only recall in, let's say, 1996 of him 3 having been to your offices once? 4 A Yes. 5 Q Did he tell you during that meeting who was 6 going to be responsible for the barges? 7 MR. SEWRIGHT: Object to the form of 8 the question. Responsible in what way? 9 BY MR. KRIDER: 10 Q Do you understand my question? 11 A I believe I do. He said that Nugget 12 Construction was going to have a barge and we would 13 load the rock onto the Nugget Construction barge, 14 and they were going to charter a barge, basically. 15 From day one, basically, everything was Nugget and 16 Spencer. They were kind of like a team is the way 17 he kind of, you know, laid it out. These guys were 18 working on this project very closely together, and 19 they just -- you know, that was -- they were going 20 to be working out all the details and getting back 21 with us. 22 Q In what way exactly did Mr. LaPore communicate 23 to you that Spencer and Nugget were a team? 24 A He said that they were working together, and he 25 said that Spencer and Nugget were working on or</p> |

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| <p style="text-align: right;">Page 18</p> <p>1 soliciting this job or this bid together, and --</p> <p>2 Q Is that a statement he made to you during his</p> <p>3 visit to your offices in 1996?</p> <p>4 A Yes.</p> <p>5 Q Is there anything else he said that led you to</p> <p>6 believe that Spencer and Nugget were operating as a</p> <p>7 team?</p> <p>8 A At that first meeting?</p> <p>9 Q Correct.</p> <p>10 A No.</p> <p>11 Q Any other time in 1996 did he tell you</p> <p>12 something that led you to believe that Spencer and</p> <p>13 Nugget were operating as a team?</p> <p>14 A I don't recall the date, but when they were</p> <p>15 awarded the contract.</p> <p>16 Q And what did he say then?</p> <p>17 A He called up and said that Nugget Construction</p> <p>18 was awarded the contract and that we were on for</p> <p>19 loading rock.</p> <p>20 Q So what about that made you believe that they</p> <p>21 were a team?</p> <p>22 A That he was going to be making the rock in the</p> <p>23 quarry and loading the railcars and bringing it down</p> <p>24 and that Randy was going to be loading the barges.</p> <p>25 Q When did Mr. LaPore ask you for pricing?</p> | <p style="text-align: right;">Page 20</p> <p>1 Q Is that a discussion you had with Mr. LaPore?</p> <p>2 A I did make reference to that to him.</p> <p>3 Q And what was his reaction to that inquiry?</p> <p>4 A Basically he wanted to know the outcome of the</p> <p>5 meeting as soon as possible so we know how to</p> <p>6 proceed. I don't recall the time frame there, but I</p> <p>7 believe it was -- it was pretty short. I mean, the</p> <p>8 guys were very receptive. They were very happy to</p> <p>9 see the work, you know, potentially coming their</p> <p>10 way.</p> <p>11 Q Mr. Goodwill, you have been handed what's been</p> <p>12 marked as Exhibit 1. It is an August 20, 1996 fax</p> <p>13 from Jack Goodwill to Robert LaPore at Spencer Rock.</p> <p>14 Do you recognize this document?</p> <p>15 MR. SEWRIGHT: Wait a second,</p> <p>16 Counsel. He's had it in front of him about five</p> <p>17 seconds. Let's let the witness review it and read</p> <p>18 it. Off the record.</p> <p>19 (Off the record.)</p> <p>20 BY MR. KRIDER:</p> <p>21 Q Mr. Goodwill, do you recognize this document?</p> <p>22 A I recognize my name and some of the knowledge</p> <p>23 on there. I don't actually recognize the document,</p> <p>24 per se, from when I originally done it.</p> <p>25 Q On a document of this type, would you have</p> |
| <p style="text-align: right;">Page 19</p> <p>1 A The pricing took a little bit of time because</p> <p>2 we had to go -- we had to -- I got involved with</p> <p>3 Anchorage because we were going to have to set up a</p> <p>4 meeting with the union to try to get reduced manning</p> <p>5 because a crane gang is normally like ten men, and a</p> <p>6 foreman is like 11 guys. And for this type of</p> <p>7 operation here, we needed to reduce manning, so we</p> <p>8 had to go to the union first and have a meeting with</p> <p>9 them because it was something that was -- they had</p> <p>10 to agree at at a local port level because we were</p> <p>11 reducing the manning down to four guys and a gear</p> <p>12 man and a dispatcher, so it took a little while.</p> <p>13 Q Why was there a reduced manning required for</p> <p>14 this job?</p> <p>15 A Because it was more automated. It would be</p> <p>16 foolish to have four guys in the hole, a hatch boss</p> <p>17 and a hatch tender standing over on the deck of a</p> <p>18 barge when they are -- when they are loading it with</p> <p>19 rock, so --</p> <p>20 Q So who made the decision that the full crew was</p> <p>21 not necessary?</p> <p>22 A It was pretty obvious it wasn't going to work</p> <p>23 if we didn't get the manning reduced down. It</p> <p>24 wouldn't be cost effective having 12 guys on the</p> <p>25 payroll versus basically four.</p> | <p style="text-align: right;">Page 21</p> <p>1 actually been the one to sit down and type this up,</p> <p>2 or would you have handwritten it and given it to</p> <p>3 somebody else to type for you?</p> <p>4 MR. SEWRIGHT: Object to the form of</p> <p>5 the question, foundation.</p> <p>6 THE WITNESS: I don't recall. A lot</p> <p>7 of times I do work, and sometimes the office girl</p> <p>8 would do it. It just depends on what day of the</p> <p>9 week it was, if there is payroll going on or</p> <p>10 whatever activities we were doing, you know, loading</p> <p>11 fish or loading logs or --</p> <p>12 BY MR. KRIDER:</p> <p>13 Q All right. So in the first paragraph, the last</p> <p>14 sentence of that paragraph says, "The manning we</p> <p>15 discussed during our meeting on August 14th has been</p> <p>16 accepted by the ILWU for this movement of rock." Do</p> <p>17 you see that?</p> <p>18 A Uh-huh.</p> <p>19 Q Does that refresh your recollection about your</p> <p>20 discussions with Mr. LaPore regarding the manpower</p> <p>21 required for this job?</p> <p>22 A No, because this isn't the manning we actually</p> <p>23 used, and it's not the -- it's not the loading that</p> <p>24 we actually -- it's not the method that we used to</p> <p>25 load the barge.</p> |

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| <p style="text-align: right;">Page 22</p> <p>1 Q It says that, "During our meeting on August 2 14th." Do you recall if that's the first meeting 3 that you had with Mr. LaPore? 4 A No, I do not. 5 Q In your reading of this, do you believe that 6 you had a face-to-face meeting with Mr. LaPore about 7 this, or do you believe this was over the telephone? 8 A I don't recall. 9 Q Now, you said this is not the configuration of 10 labor that you used. Do you recall why you were 11 telling him this configuration if you had already 12 had your meeting with the union? 13 A This -- 14 MR. SEWRIGHT: You need more time to 15 review it, sir? 16 THE WITNESS: Nah. This must have 17 been Bob's original. I'm not certain, but this must 18 have been his original intent was to load it out of 19 railcars, and that never took place. 20 BY MR. KRIDER: 21 Q Would it have been possible to do that? 22 A It could, but -- it could. Just when you are 23 loading directly from the railcar to the barge, you 24 are always going to have that down time with the 25 barge while your cars go back to be reloaded. And</p> | <p style="text-align: right;">Page 24</p> <p>1 says, "This pencils out at \$4.37 per short ton." Do 2 you see that? 3 A Yes. 4 Q Do you know why you made that conversion in 5 this fax? 6 A Why I made that conversion? 7 MR. SEWRIGHT: Object to the form of 8 the question, and objection as to foundation. It 9 seems like the witness has a hard time refreshing, 10 but if you can answer it, sir -- 11 THE WITNESS: That's -- why I put 12 that in there. I don't recall. 13 BY MR. KRIDER: 14 Q Were you proposing to bill Mr. LaPore on a per 15 ton basis? 16 MR. SEWRIGHT: Object to the form of 17 the question. Haven't laid foundation that he 18 remembers. 19 THE WITNESS: I don't remember. 20 BY MR. KRIDER: 21 Q Was there ever a discussion between you and 22 Mr. LaPore about billing this on a per ton basis, as 23 opposed to a time and material basis? 24 A I don't recall. 25 Q Did Mr. LaPore ever ask you to bid it on a lump</p> |
| <p style="text-align: right;">Page 23</p> <p>1 it's awful expensive on a per day charge there for 2 that barge to be sitting there while the cars go 3 back to be reloaded and then come back to the barge 4 again. 5 Q So was the decision on manpower a process that 6 took more than one step with the union? 7 A I don't recall if they waived the rules on that 8 or not. Normally the employer will present what he 9 wants done, and then they will ask you to go away 10 and they will have their own meeting with the body 11 itself and have a vote on it. They have to call a 12 special meeting on all that stuff, so I would say 13 one or two days, maybe, if everything went -- 14 Q I guess the reason for my question was, you 15 said that the configuration that's listed on this 16 fax is not the configuration that you used, correct? 17 A Yes. 18 Q So my question is: Did you have to go back to 19 the union again to get permission for the final 20 configuration of manpower? 21 A I would say yes. 22 Q Do you have a specific recollection of more 23 than one meeting with the union on this project? 24 A I don't -- don't recall. 25 Q In the last paragraph, there is a sentence that</p> | <p style="text-align: right;">Page 25</p> <p>1 sum unit price basis? 2 A I don't recall. 3 Q Now, did you testify a little bit ago that that 4 is your signature at the bottom of the page? 5 A Yes, it is. 6 Q Do you recognize any of the other handwriting 7 that's on here? 8 A That's my handwriting, except for the blue 9 label on the corner. 10 Q The record can show that that's actually the 11 court reporter's sticker. 12 MR. SEWRIGHT: Saying Exhibit 1. You 13 might ask him if that number at the bottom is his. 14 BY MR. KRIDER: 15 Q I presume the number at the bottom isn't yours, 16 either. 17 A No, sir. 18 Q The 00s ending in a 7. In the handwritten 19 portion it says, 2/14 start, with a will above it, 20 April. Do you recall what that refers to? 21 A No. 22 Q The note below it, "4/21, Bob said start 4/21 a 23 building bucket." Is that a correct reading of 24 that? 25 A Yes.</p> |

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| <p style="text-align: right;">Page 26</p> <p>1 Q Do you know whether it's possible that those</p> <p>2 two notes above each other were at different times?</p> <p>3 MR. SEWRIGHT: Object to the form of</p> <p>4 the question.</p> <p>5 THE WITNESS: I don't recall. It's</p> <p>6 been too long ago for me.</p> <p>7 BY MR. KRIDER:</p> <p>8 Q How about the reference to "Mark Jones in</p> <p>9 yard;" do you know what that means?</p> <p>10 A No, I don't.</p> <p>11 (Exhibit No. 2 marked.)</p> <p>12 BY MR. KRIDER:</p> <p>13 Q Mr. Goodwill, you have been handed what's been</p> <p>14 marked as Exhibit 2. It is a January 27, 1997</p> <p>15 letter from North Star Terminal & Stevedore Company</p> <p>16 to Dear Valued Customer. Would you please take a</p> <p>17 look at that and let me know whether or not you</p> <p>18 recognize this document?</p> <p>19 MR. SEWRIGHT: For the record, that's</p> <p>20 the first page of it that's dated January 27, 1997.</p> <p>21 I'm just doing that for the record, Mr. Goodwill.</p> <p>22 Go ahead and review the entire document.</p> <p>23 BY MR. KRIDER:</p> <p>24 Q Do you recognize this document --</p> <p>25 A No, I do not. This is a -- all this stuff was</p> | <p style="text-align: right;">Page 28</p> <p>1 Q Did you ever see this document as it's filled</p> <p>2 out during the course of your performance on this</p> <p>3 job?</p> <p>4 A No.</p> <p>5 MR. SEWRIGHT: I think it's attached</p> <p>6 to your affidavit.</p> <p>7 THE WITNESS: I mean, I thought he</p> <p>8 was referring to when it was actually done up. I</p> <p>9 didn't do any of this. I mean, I've seen it.</p> <p>10 BY MR. KRIDER:</p> <p>11 Q But after performance had ceased after you were</p> <p>12 done with the job, you saw it for the first time?</p> <p>13 A Might have been. I'm not --</p> <p>14 Q Do you recall seeing it during the job?</p> <p>15 A I don't recall.</p> <p>16 Q Do you recall talking to Mr. LaPore about the</p> <p>17 need for filling out one of these credit</p> <p>18 applications?</p> <p>19 A I don't -- I didn't.</p> <p>20 Q So when Mr. LaPore talked to you about engaging</p> <p>21 North Star for services, did you tell him what the</p> <p>22 contractual arrangements would have to be?</p> <p>23 MR. SEWRIGHT: Object to the form of</p> <p>24 the question.</p> <p>25 THE WITNESS: No. I believe he might</p> |
| <p style="text-align: right;">Page 27</p> <p>1 done up in Anchorage --</p> <p>2 Q So --</p> <p>3 A -- to my knowledge. I mean, I don't -- I</p> <p>4 didn't do any of this.</p> <p>5 Q Do you know whose name that is as the credit</p> <p>6 manager, the signature of the transmittal letter?</p> <p>7 A Yes. That's Gerry Meherg.</p> <p>8 Q And he worked out of Anchorage?</p> <p>9 A It's a she.</p> <p>10 Q She?</p> <p>11 A Yeah, she worked up in Anchorage. She's</p> <p>12 retired.</p> <p>13 Q So although most of the operations were</p> <p>14 contained within Seward, at least the credit</p> <p>15 application process was done out of Anchorage?</p> <p>16 A Yes.</p> <p>17 Q Had you ever seen any of this document before</p> <p>18 the following pages having been filled out?</p> <p>19 MR. SEWRIGHT: Object to the form of</p> <p>20 the question. You mean has he seen the form of this</p> <p>21 stuff before?</p> <p>22 MR. KRIDER: I want to know if he's</p> <p>23 seen this actual document as it's filled out.</p> <p>24 MR. SEWRIGHT: Oh.</p> <p>25 BY MR. KRIDER:</p> | <p style="text-align: right;">Page 29</p> <p>1 have come to Anchorage. I'm not certain. And</p> <p>2 evidently this paperwork had to have been done up</p> <p>3 here, but I mean, I would be assuming to say that.</p> <p>4 I wasn't -- I haven't seen it.</p> <p>5 BY MR. KRIDER:</p> <p>6 Q But did you explain to him how the -- how North</p> <p>7 Star engaged in its business practices in terms of</p> <p>8 how it would agree to get paid, whether there would</p> <p>9 be purchase orders, those types of things during</p> <p>10 your discussions with Mr. LaPore?</p> <p>11 MR. SEWRIGHT: Object to the form of</p> <p>12 the question.</p> <p>13 THE WITNESS: With past customers, I</p> <p>14 know I'm just going to have to say that we would</p> <p>15 bill out weekly for the work that's been performed.</p> <p>16 There would be a weekly billing.</p> <p>17 BY MR. KRIDER:</p> <p>18 Q But did you have that conversation with</p> <p>19 Mr. LaPore?</p> <p>20 A Yes. I would say yes.</p> <p>21 Q Was there a discussion with Mr. LaPore about</p> <p>22 there being purchase orders involved in the</p> <p>23 transaction?</p> <p>24 A No.</p> <p>25 Q Or about there being a formal contract signed</p> |

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| <p style="text-align: right;">Page 30</p> <p>1 as part of the transaction?</p> <p>2 A No.</p> <p>3 Q Was there any discussion about what of the</p> <p>4 other -- what other nonmonetary terms would be</p> <p>5 involved in the transaction?</p> <p>6 A Such as?</p> <p>7 Q Such as the types and terms that are</p> <p>8 represented in your --</p> <p>9 A Oh, you mean these documents?</p> <p>10 Q -- confidential credit application form. If</p> <p>11 you look on the fourth page of this exhibit, there</p> <p>12 is a list of terms for the agreement.</p> <p>13 A That one? I did not go over this with Bob. I</p> <p>14 believe this was all done in Anchorage.</p> <p>15 Q I'm just curious as to whether or not you had a</p> <p>16 general conversation with Bob about this type of</p> <p>17 thing.</p> <p>18 A No.</p> <p>19 Q So what was your understanding of the actual</p> <p>20 arrangement between you and Bob as to what work you</p> <p>21 were going to perform and what price you were going</p> <p>22 to charge him?</p> <p>23 MR. SEWRIGHT: Object to the form of</p> <p>24 the question. When?</p> <p>25 BY MR. KRIDER:</p> | <p style="text-align: right;">Page 32</p> <p>1 load?</p> <p>2 A Yeah. You mean per barge or --</p> <p>3 Q Total for the entire project.</p> <p>4 A Correct.</p> <p>5 Q What was your understanding?</p> <p>6 A 50,000 ton.</p> <p>7 Q Was that a fixed amount or was it variable, in</p> <p>8 your understanding?</p> <p>9 MR. SEWRIGHT: Object to the form of</p> <p>10 the question.</p> <p>11 THE WITNESS: No. They knew what</p> <p>12 they needed for the job down there. Right around</p> <p>13 50,000 tons is what I was told. We were going to</p> <p>14 have approximately 10 barges.</p> <p>15 BY MR. KRIDER:</p> <p>16 Q That -- only 5,000 per barge; is that what your</p> <p>17 understanding was?</p> <p>18 A This is what -- I think the barge held 7,000</p> <p>19 ton, something like that. I don't know if some of</p> <p>20 that weight was given up with that wear deck being</p> <p>21 added on there or not.</p> <p>22 Q Did Mr. LaPore ever promise you that you would</p> <p>23 load 50,000 tons?</p> <p>24 A Yes.</p> <p>25 Q How so?</p> |
| <p style="text-align: right;">Page 31</p> <p>1 Q In 1997 when you performed the work.</p> <p>2 A Well, when everything kind of was shaken out</p> <p>3 and we were getting close to doing the work,</p> <p>4 everything was going to be done on man hours and</p> <p>5 equipment. And, you know, just basic operation,</p> <p>6 rock was going to come down and be dumped in the</p> <p>7 yard and stacked and then brought to us on trucks.</p> <p>8 Q Was there a formal schedule or was at that on</p> <p>9 an as-needed basis?</p> <p>10 MR. SEWRIGHT: Object to the form of</p> <p>11 the question.</p> <p>12 THE WITNESS: Well, what dictated the</p> <p>13 schedule was we would load the barge and it would go</p> <p>14 to Homer to be off-loaded, and then by the time it</p> <p>15 got back they wanted the rock there and wanted us --</p> <p>16 we were like on-call until they got back with the</p> <p>17 next barge. It was a good operation. It was slick.</p> <p>18 It was -- moved a lot of rock.</p> <p>19 BY MR. KRIDER:</p> <p>20 Q But the -- to use your words, the arrangement</p> <p>21 was you were there on an as-needed basis?</p> <p>22 A Yes. They didn't need us unless the barge was</p> <p>23 there empty to be loaded.</p> <p>24 Q Did you have an understanding as to the exact</p> <p>25 quantity of material that you would be required to</p> | <p style="text-align: right;">Page 33</p> <p>1 A He said this is what the scope of the work is</p> <p>2 and this is what you are going to load.</p> <p>3 Q And he did that verbally?</p> <p>4 A Yes.</p> <p>5 Q Did anybody at Nugget ever promise you 50,000</p> <p>6 tons worth of work?</p> <p>7 MR. SEWRIGHT: Object to the form of</p> <p>8 the question.</p> <p>9 THE WITNESS: Don't recall if I</p> <p>10 talked with Randy about that or not. I don't</p> <p>11 recall.</p> <p>12 (Exhibit No. 3 marked.)</p> <p>13 BY MR. KRIDER:</p> <p>14 Q You have been handed what's been marked as</p> <p>15 Exhibit 3. You will note on the face of it that it</p> <p>16 previously was marked as Exhibit 4 to Mr. Bentz'</p> <p>17 deposition. Do you recognize this document?</p> <p>18 A I recognize the cards on here.</p> <p>19 Q And can you briefly describe this document,</p> <p>20 please, for the record?</p> <p>21 A It's business cards. Frank gave me the one for</p> <p>22 Island, and Bob gave me the one for Spencer, and</p> <p>23 Randy gave me the other two, I believe.</p> <p>24 Q Did you -- strike that. Do you know whether or</p> <p>25 not these had been all compiled together and</p> |

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| <p style="text-align: right;">Page 34</p> <p>1 attached to a sheet of paper or something at one 2 point, or -- 3 A I believe they were. I think that's my 4 handwriting at the top, "Karen," so I'm thinking I 5 might have faxed these to Anchorage. 6 Q And what was your understanding as to what each 7 of the employers representing these business cards 8 role was in this job? 9 A Bob was going to get the rock out of the quarry 10 down to Seward, and Frank was captain on the 11 tugboat. He was going to do the hauling to and from 12 Seward to Homer and then back. And then Randy was 13 my superior, more or less, that I -- he's the one 14 that gave me all the instructions on what he wanted 15 and when he wanted it and how much. He was the -- 16 pretty much my main -- main person that was in 17 charge of the operation. 18 Q What was your understanding as to who 19 Mr. Randolph was representing? 20 A He was representing Nugget Construction. 21 Q At any time did he tell you he was working for 22 Spencer? 23 A No, sir. 24 Q Do you recall there being a question about 25 insurance for the barge being provided by North Star</p> | <p style="text-align: right;">Page 36</p> <p>1 (Exhibit No. 4 marked.) 2 BY MR. KRIDER: 3 Q Exhibit 4 is an April 30, 1997 document from 4 Jack Goodwill to George Palmer at Majestic 5 Insurance. Take a look and let me know whether or 6 not you recognize this document. 7 MR. SEWRIGHT: Could we go off the 8 record while the witness reviews the document? Is 9 that okay, Mr. Krider? 10 MR. KRIDER: Sure. 11 (Off the record.) 12 BY MR. KRIDER: 13 Q Do you recognize this document, Mr. Goodwill? 14 A Yes. 15 Q And is this a document you sent to 16 Mr. Palmer -- 17 A Yes. 18 Q -- that we were referring to earlier? 19 A Yes. It's a long time ago. 20 Q In your experience working for North Star as a 21 supervisor and later vice president, was it unusual 22 for vessel owners to ask for proofs of insurance? 23 A We have had other customers ask for them. It 24 may not have been on vessels. You know, like if you 25 are going to lift a million dollar transformer for</p> |
| <p style="text-align: right;">Page 35</p> <p>1 on this project? 2 A Yes. 3 Q And what do you recall that entailing? 4 A I had to give the information down to our 5 office in California, or the office that did the 6 insurance. I think his name was Palmer. Give him a 7 little synopsis of what was involved; you know, 8 50,000 ton of rock, we were going to load it onto 9 the barge and whatnot, and we wanted to have 10 insurance for that. 11 Q And what generated that request? 12 A Randy. 13 Q And what was your understanding of why Randy 14 was asking you? 15 A He was very thorough. He wanted to have a 16 document there to make sure we had insurance. 17 Q Was he simply requesting proof that North Star 18 was insured, or was he asking for additional 19 insurance to cover the barge, as well? 20 MR. SEWRIGHT: Object to the form of 21 the question. 22 THE WITNESS: I don't know what he 23 was -- I can't tell you what he was actually 24 thinking, but I think if I was in his position I'd 25 want the same -- same type of insurance.</p> | <p style="text-align: right;">Page 37</p> <p>1 somebody or something of high value. 2 Q So sometimes the owner of the goods would ask? 3 A Uh-huh. 4 Q So Randy wasn't the first person to ever ask 5 for proof of insurance from North Star, in your 6 experience, is that correct? 7 A That's correct. 8 (Exhibit No. 5 marked.) 9 BY MR. KRIDER: 10 Q Mr. Goodwill, Exhibit 5 that you have just been 11 handed is designated as the Affidavit of Jack 12 Goodwill. Please take a moment to look through that 13 and let me know whether or not you recognize this 14 document. 15 MR. SEWRIGHT: Could we go off the 16 record, Tom? 17 MR. KRIDER: Sure. 18 (Off the record.) 19 (A break was taken.) 20 BY MR. KRIDER: 21 Q Have you had a chance to look that over? 22 A Yes, sir. 23 Q Mr. Goodwill, do you recognize this document? 24 A Yes. 25 Q And did you draft this document?</p> |

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| <p style="text-align: right;">Page 38</p> <p>1 MR. SEWRIGHT: Object to the form of 2 the question. What do you mean, Counsel? Did he 3 personally type it up or did he submit information 4 for it? 5 BY MR. KRIDER: 6 Q Did you write this document? 7 A Word for word, you mean? 8 Q Correct. 9 A No. 10 Q Do you know who did? 11 A Yes. 12 Q And who is that? 13 A Mr. Sewright. 14 MR. SEWRIGHT: My office typed it up, 15 Counsel. 16 BY MR. KRIDER: 17 Q I'm asking who wrote it. 18 A I basically wrote it and they typed it. 19 Q Did you write it by hand? 20 A No. With tape recording. 21 Q So you dictated it and then gave them the tape? 22 A (Nods head.) 23 Q Did you review this after it had been typed? 24 A Yes. 25 Q Did you make any edits to it after it was</p> | <p style="text-align: right;">Page 40</p> <p>1 quickly and recognized that it was an affidavit that 2 he had signed. 3 THE WITNESS: I don't know if I'm -- 4 this is what I did, and I believe in this, but I 5 mean, I don't know if you are trying to imply or -- 6 things I know now years later just in -- you know, 7 that have changed, like the outcome of things. What 8 are you -- 9 BY MR. KRIDER: 10 Q Sitting here today, is there any reason for you 11 to doubt the truth or accuracy of this affidavit as 12 you sit here today? 13 MR. SEWRIGHT: Object to the form of 14 the question. 15 THE WITNESS: What I'm -- at the time 16 I signed this, this is what I believed. 17 BY MR. KRIDER: 18 Q I understand that. My question is: As you sit 19 here today, is that still true? 20 MR. SEWRIGHT: Same objection, 21 continuing objection, unless the witness is given 22 time to read every line. You want to give him that 23 time right now, Mr. Krider? 24 THE WITNESS: Well, this is my 25 affidavit and this is what I believe.</p> |
| <p style="text-align: right;">Page 39</p> <p>1 typed? 2 A I don't recall. It's been eons to me ago. 3 Q At the sixth page of the exhibit, there is a 4 signature. Is that your signature? 5 A Yes, it is, Jack Goodwill. 6 Q At the time you signed this, you believe that 7 everything in here was true and accurate? 8 A Yes, sir. 9 Q And that you had personal knowledge of all of 10 the statements made herein? 11 A Yes, sir. 12 Q Has anything occurred since the date when you 13 signed this to change your mind about whether or not 14 everything in here is true and accurate? 15 A What do you mean on that? As far as things I 16 didn't know about, you mean, or just -- 17 Q Is there any reason for you to doubt the 18 accuracy and truth, in your view, of this statement 19 today as opposed to when you originally signed it? 20 MR. SEWRIGHT: I'm going to object to 21 the form of the question unless we give the witness 22 time to read every line. If you want to go off the 23 record and he can review every line -- that's a 24 pretty broad question, Counsel. I mean, he just -- 25 he just glanced at it before and looked at it</p> | <p style="text-align: right;">Page 41</p> <p>1 BY MR. KRIDER: 2 Q And my question is whether or not, as you sit 3 here today, what you believed to be true in 1998 you 4 no longer believe to be true as stated in this 5 affidavit. 6 MR. SEWRIGHT: Object to the form of 7 the question. 8 THE WITNESS: I never thought of it 9 like that. 10 BY MR. KRIDER: 11 Q Let me ask it a different way: Is there 12 anything in your knowledge that's occurred since 13 1998 that may have changed your view regarding the 14 facts as stated in this affidavit? 15 MR. SEWRIGHT: Same objection. Off 16 the record while the witness reviews the document; 17 is that okay, Tom? 18 MR. KRIDER: Actually, I'd rather we 19 stayed on the record. 20 THE WITNESS: Yes, I believe that 21 this is -- I feel the same today as I did back then. 22 This is my document, and I believe in it. 23 BY MR. KRIDER: 24 Q So as you sit here today, everything stated in 25 this affidavit you still believe to be true and</p> |

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| <p style="text-align: right;">Page 42</p> <p>1 accurate?</p> <p>2 A Yes.</p> <p>3 Q In paragraph 5 of your affidavit on page 3,</p> <p>4 toward the latter part of that there is a</p> <p>5 discussion. It says, "Also, when I had questions</p> <p>6 regarding the suitability of the wear deck on the</p> <p>7 barge for the large stones being loaded, it was</p> <p>8 Mr. Randolph, project manager for Nugget</p> <p>9 Construction, who provided me with a letter." Do</p> <p>10 you see that?</p> <p>11 A Yes.</p> <p>12 Q What made you question the wear deck?</p> <p>13 MR. SEWRIGHT: Where is that again,</p> <p>14 Counsel?</p> <p>15 MR. KRIDER: Paragraph 5, second to</p> <p>16 last sentence.</p> <p>17 THE WITNESS: I didn't want to -- a</p> <p>18 wear deck is a wear deck, and it's put on there for</p> <p>19 normal wear and tear of loading the barge. And I</p> <p>20 didn't want to put some little cracks in it or have</p> <p>21 another special -- if it was going to go on to be</p> <p>22 used for something else, I was just concerned; I</p> <p>23 didn't want to damage that wear deck. So I wanted</p> <p>24 to know what his intent was with it. He said, no,</p> <p>25 that the wear deck is going to come off. It's just</p> | <p style="text-align: right;">Page 44</p> <p>1 the question, Counsel. He said -- you haven't laid</p> <p>2 a foundation that he had anything to do with this</p> <p>3 agreement or what it would agree.</p> <p>4 MR. KRIDER: I'm asking if he</p> <p>5 understands what "F.O.B., contractor provided barge</p> <p>6 deck" means.</p> <p>7 MR. SEWRIGHT: Continuing objection</p> <p>8 because I've seen that mean many things, and I've</p> <p>9 seen legal disputes over that term before, sir.</p> <p>10 MR. KRIDER: I'm asking for his</p> <p>11 understanding.</p> <p>12 MR. SHAMBUREK: I object to the</p> <p>13 extent that it calls for a legal conclusion.</p> <p>14 MR. KRIDER: That's fine.</p> <p>15 BY MR. KRIDER:</p> <p>16 Q Do you have an understanding of what "F.O.B.,</p> <p>17 contractor...barge deck" means?</p> <p>18 A F.O.B., free on board.</p> <p>19 Q Free on board, contractor...barge deck, what's</p> <p>20 your understanding of what that means in your</p> <p>21 industry?</p> <p>22 MR. SEWRIGHT: Continuing objections.</p> <p>23 THE WITNESS: This is between Nugget</p> <p>24 and Spencer.</p> <p>25 BY MR. KRIDER:</p> |
| <p style="text-align: right;">Page 43</p> <p>1 put on there just for loading the rock.</p> <p>2 BY MR. KRIDER:</p> <p>3 Q So you had some concern that you might damage</p> <p>4 the wear deck?</p> <p>5 A Yes.</p> <p>6 Q And did Mr. Randolph assure you that wasn't an</p> <p>7 issue?</p> <p>8 A Yes.</p> <p>9 (Exhibit No. 6 marked.)</p> <p>10 BY MR. KRIDER:</p> <p>11 Q Mr. Goodwill, you have been handed what's been</p> <p>12 marked as Exhibit 6, which is a Nugget Construction,</p> <p>13 Inc. material contract to Spencer Rock Products.</p> <p>14 I'm going to presume you have never seen this</p> <p>15 before, but is that accurate on my part?</p> <p>16 A Yes.</p> <p>17 Q The reason I have handed it to you is I'd like</p> <p>18 you to turn to the second page and have you read</p> <p>19 Section 3.</p> <p>20 A Okay.</p> <p>21 Q The first part of it, it says, "All material</p> <p>22 furnished under this agreement is to be furnished</p> <p>23 F.O.B., contractor provided barge deck, Seward,</p> <p>24 Alaska." Do you understand what that means?</p> <p>25 MR. SEWRIGHT: Object to the form of</p> | <p style="text-align: right;">Page 45</p> <p>1 Q Correct.</p> <p>2 A I don't know what their intent is there.</p> <p>3 Q Did you have an understanding during the course</p> <p>4 of the project as to who was responsible for the</p> <p>5 rock until it was loaded onto the barge?</p> <p>6 MR. SEWRIGHT: Object to the form,</p> <p>7 foundation.</p> <p>8 THE WITNESS: No.</p> <p>9 BY MR. KRIDER:</p> <p>10 Q You didn't know whose rock it was that you were</p> <p>11 loading?</p> <p>12 A We were loading Nugget rock.</p> <p>13 Q And what gave you that impression?</p> <p>14 A It was my impression that this whole operation</p> <p>15 was a Nugget Construction project. I mean,</p> <p>16 that's -- everything was done per Nugget.</p> <p>17 Q Who was your contract with for loading of the</p> <p>18 barge?</p> <p>19 MR. SEWRIGHT: Object to the form of</p> <p>20 the question, calls for legal conclusion.</p> <p>21 BY MR. KRIDER:</p> <p>22 Q Who did you understand your contract to be with</p> <p>23 for loading of the barge in 1997 while the work was</p> <p>24 being performed?</p> <p>25 MR. SEWRIGHT: Same objection.</p> |

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| <p style="text-align: right;">Page 46</p> <p>1 THE WITNESS: I always thought it was 2 Spencer and Nugget. 3 BY MR. KRIDER: 4 Q Why would you think it was Nugget? 5 A Because they were the ones that were directing 6 everything. They were the ones that told us when to 7 load the barge, how much on the barge, what type of 8 rock on the barge, when to expect the barge back. 9 Randy was the -- was the guy in charge. He told me 10 how he wanted the invoices done. I mean, he was -- 11 he didn't let one thing go by him. He was -- 12 Q And who were those invoices sent to, 13 Mr. Goodwill? 14 MR. SEWRIGHT: Object to the form of 15 the question. Which invoices? 16 BY MR. KRIDER: 17 Q Invoices for this project. 18 A They were sent to -- they were supposedly sent 19 to Nugget Construction and -- Nugget Construction 20 barge and/or owner, Spencer Rock. That's how they 21 were supposed to be sent. 22 Q In your declaration -- or your affidavit on 23 page 2 on paragraph 4, it says, the last full 24 sentence at the bottom of the page, "Mr. LaPore 25 requested that Northern Stevedore & Handling load</p> | <p style="text-align: right;">Page 48</p> <p>1 context of that call that the rest of this sentence 2 is here, that call that Nugget had gotten the job. 3 THE WITNESS: To me you are taking 4 that sentence out of context. I mean, my intent in 5 making this statement was Bob called me and said 6 Nugget was awarded the job. We got the work and we 7 are going to have you put that rock on the barge 8 that Nugget is going to provide. 9 BY MR. KRIDER: 10 Q Who was going to have you do that? 11 A Nugget was. 12 Q Why was Mr. LaPore calling on behalf of Nugget, 13 if you know? 14 A Just like I said there, he called and said -- 15 informed me that Nugget Construction had obtained 16 the contract. He was very happy. So was I. 17 Q And who did you believe you were working for at 18 the time you loaded those barges? 19 A Nugget. 20 Q And why is that? 21 A Because Nugget was in charge. They were the 22 people that were there. They -- they were the ones 23 that were telling us what to do, what type of rock, 24 how much rock. 25 Q Did Nugget ever pay you for any of those</p> |
| <p style="text-align: right;">Page 47</p> <p>1 the rock upon the barge which Nugget would be 2 providing starting in the springtime." Do you see 3 that? 4 A Yes. 5 Q Did you understand that it was Mr. LaPore at 6 Spencer who made the request for you to perform this 7 work? 8 MR. SEWRIGHT: Mr. Krider, where are 9 you? I haven't caught up yet. 10 MR. KRIDER: Page 2, paragraph 4. 11 MR. SEWRIGHT: What's the question, 12 again? 13 MR. KRIDER: Could you please read 14 back the question? 15 (The requested record was read.) 16 MR. SEWRIGHT: Object to the form of 17 the question, and particularly unless you time it 18 to -- object to the form of the question. 19 BY MR. KRIDER: 20 Q Was it your understanding that Mr. LaPore 21 requested that you perform this work? 22 MR. SEWRIGHT: I'm going to object to 23 the form of the question as to timing. There is a 24 reference to mid-August here, 1996. Then later he 25 said LaPore called him. And that's -- it's in the</p> | <p style="text-align: right;">Page 49</p> <p>1 loadings? 2 A I'm not supposed to give a smart answer, but -- 3 Q Strike that. Did Nugget ever promise to pay 4 you for any of those loadings? 5 A No. 6 MR. SEWRIGHT: Object to the form of 7 the question. 8 BY MR. KRIDER: 9 Q If your contract was with Nugget, why was there 10 a credit application sent to Spencer Rock Products? 11 MR. SEWRIGHT: Object to the form. 12 THE WITNESS: That was done in 13 Anchorage. I mean, I didn't -- I did not do that. 14 BY MR. KRIDER: 15 Q So who told Anchorage that Mr. LaPore required 16 a credit report -- a credit application? 17 MR. SEWRIGHT: Object to the form, 18 foundation. 19 THE WITNESS: Of course, I informed 20 Anchorage that we were going to load rock from the 21 Spencer quarry to a Nugget Construction barge. They 22 took it from there to have Bob fill out the 23 paperwork, evidently. 24 BY MR. KRIDER: 25 Q And you never told them you would be working on</p> |

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| <p style="text-align: right;">Page 50</p> <p>1 behalf of Spencer Rock?</p> <p>2 MR. SEWRIGHT: Is that a question?</p> <p>3 MR. KRIDER: That's a question.</p> <p>4 THE WITNESS: I figured we would be</p> <p>5 working for Spencer Rock and Nugget Construction</p> <p>6 together. I mean, that's -- everything was -- they</p> <p>7 were together, to me, from day one, until Randy</p> <p>8 came.</p> <p>9 BY MR. KRIDER:</p> <p>10 Q From day one until Randy came. When did Randy</p> <p>11 come?</p> <p>12 A When Randy came, they had a barge come in to</p> <p>13 the north dock with some equipment on it, and they</p> <p>14 were going to unload that.</p> <p>15 Q And who did you bill for that work?</p> <p>16 A Nugget Construction.</p> <p>17 Q And was that invoice paid?</p> <p>18 A Yes, sir.</p> <p>19 Q So, then, when did Randy get involved with the</p> <p>20 Spencer Rock Products project?</p> <p>21 MR. SEWRIGHT: Object to the form of</p> <p>22 the question, Spencer Rock Products project. You</p> <p>23 are assuming facts not -- well, you are</p> <p>24 characterizing the case, Counsel.</p> <p>25 THE WITNESS: Randy wanted to make</p> | <p style="text-align: right;">Page 52</p> <p>1 believe your contract was with Nugget. Then later</p> <p>2 you said you thought it was with both of them. Who</p> <p>3 did you believe you were working on behalf of when</p> <p>4 loading the barges in this project?</p> <p>5 A Nugget Construction.</p> <p>6 Q Not working for Spencer at all?</p> <p>7 A No.</p> <p>8 Q During the course of 1997, did you --</p> <p>9 A In my past history of doing all your loading</p> <p>10 and unloading, that rock was -- from its first place</p> <p>11 of rest on the dock, when it goes on to that barge,</p> <p>12 that's whoever has got the barge chartered. That's</p> <p>13 why I figured that we were working for Nugget</p> <p>14 Construction. The movement of the rock down by</p> <p>15 the -- by the trucks, that was the part that Spencer</p> <p>16 was paying for. The actual picking up of the rock</p> <p>17 in the bucket and placing it onto the barge, that</p> <p>18 goes -- that charge goes to the -- the barge.</p> <p>19 Q Okay. Describe that for me again, please.</p> <p>20 A There's a dock side and there is a ship side</p> <p>21 charge normally in stevedore work. If we are going</p> <p>22 to unload pipe off of a ship, for example, that goes</p> <p>23 to the shipping line. The handling of that loading</p> <p>24 to a truck or to a rail car, that goes usually to</p> <p>25 the consignee or the dock side charge. It was my</p> |
| <p style="text-align: right;">Page 51</p> <p>1 sure everything was lined up for that barge to be</p> <p>2 loaded in a timely fashion. He was there -- when</p> <p>3 was that -- it was in May, I think it was, wasn't</p> <p>4 it? He's the one that told us when to have the --</p> <p>5 all the ordering for all the men to load all the</p> <p>6 barges came from Randy, you know, when the barge</p> <p>7 would be there, what time to start, what time he</p> <p>8 wanted it under way to meet the schedule down into</p> <p>9 Homer.</p> <p>10 BY MR. KRIDER:</p> <p>11 Q What else did Randy tell you to do, other than</p> <p>12 those four things I think you have just mentioned?</p> <p>13 A Whenever I was going to do a bill, I would</p> <p>14 check with him to see how he wanted it sent because</p> <p>15 he was in charge.</p> <p>16 Q You requested a mailing address for every</p> <p>17 single bill?</p> <p>18 A I asked him in the beginning how he wanted this</p> <p>19 done because he was the one that was in charge.</p> <p>20 Q And what did he tell you?</p> <p>21 A He told me how to send it. He said he wanted</p> <p>22 it sent to Spencer Rock.</p> <p>23 Q And you did that, didn't you?</p> <p>24 A Yes.</p> <p>25 Q So I'm confused now. You said earlier that you</p> | <p style="text-align: right;">Page 53</p> <p>1 impression or my -- that's what I believe, that</p> <p>2 Spencer was paying for the rock to be moved down to</p> <p>3 the dock and dumped into the bucket, and as soon as</p> <p>4 that bucket went airborne with that crane, it was</p> <p>5 going to go onto that barge, that was Nugget's</p> <p>6 responsibility.</p> <p>7 Q At what point did North Star's efforts begin in</p> <p>8 that process you just described?</p> <p>9 A That's what I figured it was all along.</p> <p>10 Q I'm asking you, describe the -- let's say the</p> <p>11 railyard to the dock side and then dock side to the</p> <p>12 barge, were you involved in the rail side to the</p> <p>13 dock side portion of this?</p> <p>14 A No.</p> <p>15 Q You were only responsible for dock side to</p> <p>16 barge side, right?</p> <p>17 A From when the dump truck dumped that load of</p> <p>18 rock into the skip bucket from the yard, we loaded</p> <p>19 it onto the barge.</p> <p>20 Q And you believed all that work was being done</p> <p>21 on behalf of Nugget?</p> <p>22 A Yes, sir.</p> <p>23 Q Mr. Goodwill, in your attempts to get paid for</p> <p>24 this work, did you ever send any letters to the</p> <p>25 Corps of Engineers?</p> |

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| <p style="text-align: right;">Page 54</p> <p>1 A Yep. Yes, sir, I did. I think that's what it 2 was. 3 Q Were those letters that you sent to the Corps 4 of Engineers intending to be honest statements of 5 your position on this project? 6 MR. SEWRIGHT: Object to the form of 7 the question. 8 THE WITNESS: Yes. 9 BY MR. KRIDER: 10 Q So please explain for me, then, if you turn 11 back to Exhibit 7 at the back of your affidavit, why 12 it is that in the first sentence of your letter 13 dated August 4, 1997 you told the Corps of Engineers 14 that "Northern Stevedoring has been working for 15 Spencer Rock Products, Inc. from May 1 to June 26, 16 1997"? 17 MR. SEWRIGHT: Let's let the witness 18 read the whole letter. Go ahead and take time, sir, 19 to read the whole letter. 20 THE WITNESS: Yeah, I read that. I 21 should have made mention of Nugget at the same time. 22 BY MR. KRIDER: 23 Q Well, now, if you believed you were working for 24 Nugget, why did you tell the Army Corps of Engineers 25 that you had been working for Spencer Rock Products?</p> | <p style="text-align: right;">Page 56</p> <p>1 what I did. And once the bills were sent, we didn't 2 get paid. So I figured it must be -- need to be a 3 change here or something, but a lot of work taking 4 place with no payment being received from anyone. 5 BY MR. KRIDER: 6 Q And who is the first person you asked for 7 payment, Mr. Randolph or Mr. LaPore? 8 A I first asked Randy how he wanted the bills to 9 be directed, and that's -- he said that's what he 10 wanted done. And so -- 11 Q But, sir, my question was: Who did you first 12 ask for payment from, Mr. LaPore or Mr. Randolph? 13 A Mr. LaPore. 14 Q And do you recall approximately when you had 15 the first conversation with Mr. Randolph about 16 payment? 17 A Not offhand. I'm trying to think. I know we 18 had done work because we did, like, three barges in 19 one month, so -- so normally you had to give them 20 like 30 days, anyway. So I don't recall the actual 21 date, but I -- I know it would more than likely have 22 been in June sometime, I think. But I'm not 23 certain. 24 Q Do you know if it was before or after you had 25 performed your last loading of the barges?</p> |
| <p style="text-align: right;">Page 55</p> <p>1 A He's the one that initially set it up. 2 Spencer -- what I'm saying is I probably should have 3 said in that letter working for Spencer and Nugget. 4 Q So Mr. Goodwill, did you ever ask Bob LaPore 5 for payment on your invoices? 6 A Yes. 7 Q And if you believe you were working for Nugget, 8 why did you ask Mr. LaPore for payment on your 9 invoices? 10 A That's where Randy told me to send the bill to. 11 Q But if you believe you were working for Nugget, 12 why were you asking Mr. LaPore to pay your invoices? 13 MR. SEWRIGHT: Asked and answered. 14 MR. KRIDER: I don't believe he did 15 answer it. 16 MR. SEWRIGHT: He did answer it, 17 Counsel. You want to argue about it, we can, but he 18 did answer it. Asked and answered. He said Randy 19 Randolph said to send the bills to Spencer. 20 MR. KRIDER: That doesn't explain why 21 he then asked Spencer for payment. 22 MR. SEWRIGHT: Counsel, it does to 23 me. 24 THE WITNESS: Randy said that's how 25 to direct the bills for us to get paid, so that's</p> | <p style="text-align: right;">Page 57</p> <p>1 A Like I say, I'm not -- not sure on that time 2 frame. It all went so fast. We did three barges in 3 one month. 4 Q But your recollection is that it wouldn't have 5 been prior to the first of June? 6 A I wouldn't think so. 7 Q Now, did Mr. Randolph ever tell you that you 8 would be paid by Nugget? 9 A Not directly. He said that -- send your bills 10 to Spencer Rock and get your payment. 11 Q And who will get your payment? 12 A We will get paid. 13 Q By sending your invoices to Spencer? 14 A Yeah. 15 Q Did he ever tell you that Nugget would pay you? 16 A He just said we'd get paid. 17 Q Did he ever tell you whether Nugget would pay 18 you? 19 A He didn't make reference to that. 20 MR. SEWRIGHT: Object to the form of 21 the question. 22 BY MR. KRIDER: 23 Q On page 5, paragraph 9, in the middle of the 24 paragraph you say, "I understood it was a federal 25 project and had no doubt Northern Stevedoring would</p> |

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| <p style="text-align: right;">Page 58</p> <p>1 be paid, if necessary from the payment bond, because</p> <p>2 I was dealing directly with the owner of Spencer</p> <p>3 Rock and the product manager for Nugget</p> <p>4 Construction." Do you see that?</p> <p>5 A Yes, sir.</p> <p>6 Q Other than your knowledge that it was a federal</p> <p>7 job, was there any other reason that you had for</p> <p>8 believing that Northern Stevedore would be paid?</p> <p>9 MR. SEWRIGHT: Object to the form of</p> <p>10 the question.</p> <p>11 THE WITNESS: What are you saying,</p> <p>12 again?</p> <p>13 BY MR. KRIDER:</p> <p>14 Q You say here that you had no doubt you would be</p> <p>15 paid because there was a bond. Did you have any</p> <p>16 other assurances from anybody else that you would be</p> <p>17 paid, other than the fact that the bond was in</p> <p>18 existence?</p> <p>19 A I'm not --</p> <p>20 MR. SEWRIGHT: Asked and answered,</p> <p>21 and continuing objection to form.</p> <p>22 BY MR. KRIDER:</p> <p>23 Q You can answer the question.</p> <p>24 A I think my train of thought at the time was</p> <p>25 that it was a federal job, and I was kind of under</p> | <p style="text-align: right;">Page 60</p> <p>1 MR. SEWRIGHT: Object to the form of</p> <p>2 the question.</p> <p>3 THE WITNESS: Well, that's when it</p> <p>4 kind of all came out that Nugget hadn't paid him is</p> <p>5 what he was saying, so he couldn't pay us.</p> <p>6 BY MR. KRIDER:</p> <p>7 Q But did he acknowledge that he was responsible</p> <p>8 for paying you?</p> <p>9 MR. SEWRIGHT: Continuing objection,</p> <p>10 calls for a legal conclusion.</p> <p>11 THE WITNESS: I don't know. Alls I</p> <p>12 wanted was the money. We wasn't getting any, and it</p> <p>13 was getting pretty outstanding, I mean, months into</p> <p>14 it.</p> <p>15 BY MR. KRIDER:</p> <p>16 Q Did Mr. LaPore ever indicate to you that he</p> <p>17 owed you the money?</p> <p>18 MR. SEWRIGHT: Continuing objection.</p> <p>19 THE WITNESS: I don't recall if it</p> <p>20 was his actual words or --</p> <p>21 BY MR. KRIDER:</p> <p>22 Q Did he ever tell you words to the same effect?</p> <p>23 A Alls I recall is that he said he wasn't --</p> <p>24 hasn't received his funds yet. He couldn't pay us</p> <p>25 until he received his funding.</p> |
| <p style="text-align: right;">Page 59</p> <p>1 the impression -- I'm not a lawyer or anything, but</p> <p>2 I was -- being as it was a federal job, I always</p> <p>3 thought that it was -- they came in and made sure</p> <p>4 all the -- the little guys were paid before they</p> <p>5 made the final payment to the main -- the main</p> <p>6 worker.</p> <p>7 Q And did you believe that Northern Stevedore was</p> <p>8 covered under that bond for that purpose?</p> <p>9 A Yes, sir.</p> <p>10 Q Did you feel you had any other protection for</p> <p>11 assuring that you would get paid?</p> <p>12 MR. SEWRIGHT: Object to the form of</p> <p>13 the question.</p> <p>14 THE WITNESS: I never gave it any</p> <p>15 other thought. I mean, I'd put my time in for our</p> <p>16 company and go home at night.</p> <p>17 BY MR. KRIDER:</p> <p>18 Q Down in paragraph 10, in the middle of the</p> <p>19 paragraph there is a sentence that says, "He</p> <p>20 acknowledged that the money was due Northern</p> <p>21 Stevedoring, he had no quarrel there, but said he</p> <p>22 was unable to pay." Do you see that?</p> <p>23 A Yes.</p> <p>24 Q Did Mr. LaPore acknowledge to you that he was</p> <p>25 responsible to pay you the sums you had invoiced?</p> | <p style="text-align: right;">Page 61</p> <p>1 Q In your mind, did that acknowledge that he was</p> <p>2 responsible to pay you?</p> <p>3 A Not necessarily.</p> <p>4 Q What else would it have meant, in your view?</p> <p>5 A It means the money was forthcoming either from</p> <p>6 Nugget or the only other player there.</p> <p>7 Q But it was your impression that Mr. LaPore</p> <p>8 intended to be the one to pay you?</p> <p>9 A That's where we sent the bill.</p> <p>10 Q So you expected to be paid by Spencer?</p> <p>11 MR. SEWRIGHT: Object to the form of</p> <p>12 the question.</p> <p>13 THE WITNESS: You know, that's --</p> <p>14 that's the way Randy wanted it set up, and that's</p> <p>15 what we did.</p> <p>16 BY MR. KRIDER:</p> <p>17 Q Did you expect to be paid by Spencer?</p> <p>18 A I just expected to be paid.</p> <p>19 Q You had no expectation as to who you were going</p> <p>20 to get that money from?</p> <p>21 MR. SEWRIGHT: Object to the form.</p> <p>22 THE WITNESS: I figured the money was</p> <p>23 going to come from Nugget.</p> <p>24 BY MR. KRIDER:</p> <p>25 Q Directly or through Spencer?</p> |

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| <p style="text-align: right;">Page 62</p> <p>1 A Through Spencer.</p> <p>2 Q Did you have an understanding that Spencer Rock</p> <p>3 Products was a subcontractor or supplier to Nugget?</p> <p>4 A I didn't get into that.</p> <p>5 Q Did you have any understanding whether or not</p> <p>6 there was a contractual relationship between Nugget</p> <p>7 and Spencer?</p> <p>8 A I wasn't aware of any.</p> <p>9 Q Did you ever consider it?</p> <p>10 A No.</p> <p>11 MR. SEWRIGHT: I'm going to object to</p> <p>12 the form of the question, Counsel, because by asking</p> <p>13 "did you ever consider it," that could mean -- that</p> <p>14 could include today. If you are referring just back</p> <p>15 to 1997 -- was that the intent of the question?</p> <p>16 MR. KRIDER: Yeah.</p> <p>17 BY MR. KRIDER:</p> <p>18 Q Did you consider whether or not there was a</p> <p>19 contractual relationship between Nugget and Spencer</p> <p>20 during 1997 while you were performing this work?</p> <p>21 A I thought they were in it together. I mean,</p> <p>22 you know, everything was Spencer and Nugget. I</p> <p>23 mean, I didn't know what -- I wasn't privy to any</p> <p>24 type of information or any type of documents they</p> <p>25 had going together, but it seemed like everyone</p> | <p style="text-align: right;">Page 64</p> <p>1 the other dock? Pretty much.</p> <p>2 Q And what was your understanding?</p> <p>3 A Nobody had paid us for the five previous</p> <p>4 barges, and it come to a point that we were not</p> <p>5 going to load any more of the rock for nothing.</p> <p>6 Q Is it your understanding that in July of 1997</p> <p>7 the dock that you were using was capable of being</p> <p>8 used for loading rock?</p> <p>9 A The other dock?</p> <p>10 Q No, the dock that you were -- the railroad</p> <p>11 dock.</p> <p>12 A What was that, again?</p> <p>13 Q Was it your understanding that in July of 1997</p> <p>14 the cruise ship dock was still capable of being used</p> <p>15 to load rock?</p> <p>16 A Yes.</p> <p>17 Q Was there a conflict with cruise ships in that</p> <p>18 dock at the time?</p> <p>19 A Not to my knowledge.</p> <p>20 Q Was it possible that there could have been a</p> <p>21 conflict with cruise ships?</p> <p>22 MR. SEWRIGHT: Object to the form of</p> <p>23 the question. Everything -- so many things are</p> <p>24 possible.</p> <p>25 THE WITNESS: If you show me the</p> |
| <p style="text-align: right;">Page 63</p> <p>1 worked well together, and the rock came and it was</p> <p>2 brought down, we loaded it and everything was</p> <p>3 smooth. I enjoyed working with all of them, Randy,</p> <p>4 Bob. It was a good operation.</p> <p>5 Q Did you know who brought the material to the</p> <p>6 dock side?</p> <p>7 A They were -- yeah, I recognized a couple of the</p> <p>8 kids there. They drove -- locals. The trucks were</p> <p>9 a little weathered, a little worn.</p> <p>10 Q Do you know who they worked for?</p> <p>11 A No. I didn't really ask them who they were</p> <p>12 actually working for.</p> <p>13 Q At the bottom of page 10 -- I'm sorry.</p> <p>14 Paragraph 10, page 5, sentence says, "At about the</p> <p>15 same time, Nugget moved its loading operation to the</p> <p>16 other side of the bay in Seward and loaded the other</p> <p>17 five barge loads of stone that summer from the city</p> <p>18 dock there, which also demonstrates to me that</p> <p>19 Nugget was calling the shots." Do you see that</p> <p>20 sentence?</p> <p>21 A Yes.</p> <p>22 Q Did you have an understanding in the summer of</p> <p>23 1997 as to why Nugget moved the loading of rock to</p> <p>24 the other dock?</p> <p>25 A Did I have an understanding why Nugget moved to</p> | <p style="text-align: right;">Page 65</p> <p>1 cruise ship schedule, I could tell you if there</p> <p>2 would have been, but -- would have been now, you are</p> <p>3 fishing out there, but it depends on a lot of</p> <p>4 things: the scheduling of the barge, when it was</p> <p>5 going to come back, if there was -- we never had</p> <p>6 that many double cruise ship days, so I'd have to</p> <p>7 look at the schedule.</p> <p>8 BY MR. KRIDER:</p> <p>9 Q So did you tell --</p> <p>10 A It never came up in the time frame that they</p> <p>11 were using the dock.</p> <p>12 Q Did you tell somebody at Spencer or at Nugget</p> <p>13 that Northern Stevedoring would no longer load rock</p> <p>14 until it had been paid for the first five barge</p> <p>15 loads?</p> <p>16 A No. It may have been from Anchorage. I don't</p> <p>17 actually personally recall, but people were starting</p> <p>18 to get a little nervous around there after doing</p> <p>19 five barges and having \$100,000 out.</p> <p>20 Q But somebody within Northern Stevedoring</p> <p>21 instructed that you would no longer load barges on</p> <p>22 this project until you had been paid?</p> <p>23 MR. SEWRIGHT: Object to the form of</p> <p>24 the question, lack of foundation with this witness,</p> <p>25 unless he knows.</p> |

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1 THE WITNESS: I --
 2 BY MR. KRIDER:
 3 Q Were you told to no longer perform work on this
 4 project by somebody at Northern Stevedoring?
 5 A I don't recall at this time. I might get
 6 refreshed or something, but --
 7 Q What would you need to see to refresh your
 8 recollection?
 9 A I don't know. I don't think it's covered in
 10 any of this affidavit stuff here, is it? I would
 11 have to go through some more paperwork. I mean,
 12 it's been eight years, going on nine.
 13 Q So what's your understanding or your
 14 recollection as to why you stopped loading rock?
 15 A I'm pretty sure we were asking for some of the
 16 funding for work and services already performed, and
 17 no one come up with any money, so I think that Randy
 18 took the operation to the other side.
 19 Q Well --
 20 A I mean, that's --
 21 Q I'm a bit confused by that statement, though.
 22 Did the lack of being paid make Northern Stevedore
 23 state that it would no longer perform work unless it
 24 was paid, or was there an affirmative decision on
 25 behalf of Spencer or Nugget to move the operation?

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1 MR. SEWRIGHT: Object to the form of
 2 the question, compound. You are asking two
 3 questions there, at least.
 4 THE WITNESS: I don't know if they
 5 got something officially in writing or if it was
 6 verbal or if Randy just went ahead and moved. I
 7 don't recall at this time.
 8 BY MR. KRIDER:
 9 Q But it's your recollection that Northern
 10 Stevedoring was no longer going to perform work
 11 unless it got paid; is that your recollection?
 12 MR. SEWRIGHT: Object to the form of
 13 the question.
 14 THE WITNESS: That is my -- my
 15 thought on it, but I mean, I do have people I answer
 16 to that could make other decisions.
 17 BY MR. KRIDER:
 18 Q And is it your understanding that as a result
 19 of Northern Stevedoring's decision to not perform
 20 any work because it wasn't getting paid, that Nugget
 21 and Spencer then took the operation to the other
 22 dock?
 23 MR. SEWRIGHT: Object to the form of
 24 the question.
 25 THE WITNESS: You know, to be honest,

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1 I don't recall if it was because we didn't get the
 2 money or Randy just left on his own accord. He's a
 3 very smart individual.
 4 BY MR. KRIDER:
 5 Q So now your testimony is that the decision
 6 might not have been made by Northern Stevedoring to
 7 refuse service?
 8 A I'm just saying that that's a possibility. I
 9 mean, I don't really -- I really don't recall at
 10 this time, I mean, unless you have got some
 11 documentation from Northern Stevedoring or North
 12 Star.
 13 Q Did you ever talk to Mr. LaPore about the move
 14 to the other dock?
 15 A I don't believe so. I'm not certain.
 16 Q Did you ever talk to Randy Randolph about the
 17 move to the other dock?
 18 A I'm not certain, not at this time.
 19 Q Did you ever talk to anybody with either
 20 Spencer or Nugget about the move to the other dock?
 21 A You know, I'm sure something took place, but,
 22 you know, I'm not sure of what mode or who it was
 23 with or -- or how it was done, you know, whether it
 24 was done through Anchorage or me. I'm sure there
 25 was -- we are all consenting adults there. I'm sure

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1 something took place, but I'm not certain how it,
 2 you know, came about.
 3 Q Do you remember having a specific conversation
 4 with anybody at Northern Stevedoring about the move
 5 to the other dock?
 6 A Not per se, but like I say, I'm sure that it --
 7 something took place, but I just don't --
 8 Q Who would you expect that decision to have been
 9 made by?
 10 MR. SEWRIGHT: Object to the form of
 11 the question.
 12 THE WITNESS: Scott Francis, Jeff
 13 Bentz. I mean, I just --
 14 BY MR. KRIDER:
 15 Q Would you do anything to refresh your
 16 recollection about this other than speak to one of
 17 those two individuals?
 18 MR. SEWRIGHT: Object to the form of
 19 the question.
 20 BY MR. KRIDER:
 21 Q If you were attempting to refresh your
 22 recollection about the events that we are discussing
 23 here, is there something else you would look at or
 24 somebody else you would talk to other than those two
 25 individuals?

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| <p style="text-align: right;">Page 70</p> <p>1 MR. SEWRIGHT: Object to the form. 2 THE WITNESS: So you are asking what 3 would I do to refresh my memory on that? 4 BY MR. KRIDER: 5 Q Correct. 6 A Okay, you know, I don't have any written record 7 of -- you know, I'm not an employee of North Star or 8 Northern Stevedoring anymore, so that's -- that's 9 another chapter in my life. I mean -- 10 Q So is your answer that there is nothing else 11 that you would do other than speak to those two 12 individuals? 13 MR. SEWRIGHT: Object, Counsel. That 14 wasn't his answer. Object to the form. 15 MR. KRIDER: I'm asking him to 16 clarify the answer. 17 THE WITNESS: I don't have any other 18 resources. I mean, I don't have any written record. 19 I don't have nothing. I mean, you know, I'm Jack 20 Goodwill, citizen of Seward. 21 BY MR. KRIDER: 22 Q If you would please turn to Exhibit 6 in your 23 affidavit, it's after the pictures. 24 A After the pictures? Okay. 25 Q Do you recognize this as one of the invoices</p> | <p style="text-align: right;">Page 72</p> <p>1 BY MR. KRIDER: 2 Q And in that case, you would still put the 3 vessel owner's name at the top and then the vessel 4 line who you are billing to as the secondary billing 5 address? 6 MR. SEWRIGHT: Object to the form of 7 the question. 8 THE WITNESS: Yeah, we put the 9 vessel -- name of the vessel and/or owners on the 10 top, and second you would -- say, like, if it was 11 Daiichi or Toko, or whoever was bringing the product 12 in to have the ship chartered, would be on the next 13 line. 14 BY MR. KRIDER: 15 Q Is there a reason why you put the vessel name 16 on the invoice? 17 MR. SEWRIGHT: Object to the form. 18 THE WITNESS: That's company policy 19 at the time. 20 BY MR. KRIDER: 21 Q Do you know if there is a reason for doing 22 that? 23 A I believe so. 24 Q And what's your understanding of that? 25 A I don't know if it's correct or not, but in --</p> |
| <p style="text-align: right;">Page 71</p> <p>1 for this project? 2 MR. SEWRIGHT: Which page of 3 Exhibit 6? 4 MR. KRIDER: One of eight. 5 THE WITNESS: One of eight? Yes. 6 This is an invoice. 7 BY MR. KRIDER: 8 Q Now, the invoice is addressed to Nugget 9 Construction Barge & Owners, care of Spencer Rock 10 Products, Inc. Do you see that? 11 A Yes, sir. 12 Q In your experience at Northern Stevedoring 13 and/or North Star, was it typical to have the vessel 14 owner's name at the top of an invoice and the actual 15 billing address secondary? 16 A Yes, whatever ship or vessel we worked, that 17 would be on the first line. 18 Q Is it unusual for the ship and the bill to 19 address to be different entities? 20 MR. SEWRIGHT: Object to the form of 21 the question. It calls for speculation. 22 THE WITNESS: Not necessarily, 23 because different things are chartered, you know. 24 Like a ship could be owned by someone but chartered 25 by a different line.</p> | <p style="text-align: right;">Page 73</p> <p>1 100 percent, but in the maritime industry, that 2 services rendered to a vessel, I believe that 3 somehow if the customer doesn't pay, maybe it's 4 someone that has that chartered, I think there is 5 some maritime law or some legal ramifications that 6 you can go back on the vessel. I'm not certain of 7 details or, you know, everything that's involved in 8 it, but I just know there are some legal -- legal 9 stuff that could take place. 10 MR. KRIDER: Actually, this is a good 11 time for a break. 12 MR. VIERGUTZ: Can I ask the witness 13 one question? Did you have any communication at all 14 with USF&G, the bonding company for Nugget? 15 THE WITNESS: No, sir. 16 MR. VIERGUTZ: Thanks. 17 MR. KRIDER: Off the record. 18 (A break was taken.) 19 (Exhibit No. 7 marked.) 20 MR. SEWRIGHT: Before you begin, Mr. 21 Krider, just for the record, Mr. Viergutz is absent. 22 He did tell us that we could proceed without him 23 after he asked the question that seemed most 24 important to him, which he did. 25 BY MR. KRIDER:</p> |

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| <p style="text-align: right;">Page 74</p> <p>1 Q Mr. Goodwill, you have been handed Exhibit 7 2 entitled Second Affidavit of Jack Goodwill. Have 3 you had a chance to review that? 4 A Yes, sir. 5 Q And do you recognize this document? 6 A Yes, sir. 7 Q And on page 6 of this document -- 8 A Okay. 9 Q -- is that your signature? 10 A Yes, sir. 11 Q And at the time you signed this document, were 12 all of the statements contained therein true and 13 accurate? 14 A Yes, sir. 15 Q As you sit here today, do you believe all of 16 the statements contained herein are still true and 17 accurate, to the best of your knowledge? 18 A Yes, sir. 19 Q If you turn to page 2, paragraph 2, the bottom 20 of that paragraph, sentence says, "Open account 21 arrangements were made with Spencer Rock for that 22 work, and credit was extended to Spencer Rock by 23 written agreement on that basis, as set out in my 24 previous affidavit submitted December 7, 1998 in 25 this matter." Do you see that sentence?</p> | <p style="text-align: right;">Page 76</p> <p>1 Rock, I see Spencer Rock and Nugget Construction. 2 That's just where my mind clicks in this operation, 3 and for this particular job of loading these barges, 4 that's -- 5 BY MR. KRIDER: 6 Q So, then, why did you separate them in the 7 first sentence of that paragraph? 8 MR. SEWRIGHT: I object to the 9 characterization. He doesn't split them. He 10 says -- the sentence speaks for itself. It says -- 11 MR. KRIDER: Objection, speaking 12 objection. 13 MR. SEWRIGHT: Counsel, he -- you say 14 why does he split them in the first sentence, and he 15 doesn't split them. 16 MR. KRIDER: State your objection for 17 the record, please. 18 MR. SEWRIGHT: You are misstating the 19 evidence, to the form of the question; in other 20 words, you are just plain wrong in your assumption. 21 You are asking him to assume your assumption. 22 MR. KRIDER: Counsel, please stop. 23 BY MR. KRIDER: 24 Q Mr. Goodwill, in the first sentence -- 25 MR. SEWRIGHT: You asked me to state</p> |
| <p style="text-align: right;">Page 75</p> <p>1 A Yes. 2 Q After reading that sentence, do you still deny 3 that you had an agreement with Spencer Rock Products 4 for the loading of this material onto the barge? 5 MR. SEWRIGHT: I object. I think it 6 states the testimony wrong. Object to the form of 7 the question. 8 THE WITNESS: Yes, we had a written 9 agreement with Spencer Rock. 10 BY MR. KRIDER: 11 Q And you actually extended him -- Spencer Rock 12 credit by performing work on its behalf, did you 13 not? 14 A Yes. 15 Q Does it say anywhere in this affidavit that 16 during the course of this project you had an open 17 account arrangement with Nugget for this work and 18 extended a credit -- extended credit to Nugget for 19 the work you performed? 20 MR. SEWRIGHT: Counsel, are you 21 reading the same first sentence in paragraph 2 that 22 I am? You are asking him for a legal conclusion, 23 does the affidavit say what it already says. Object 24 to the form. 25 THE WITNESS: When I see Spencer</p> | <p style="text-align: right;">Page 77</p> <p>1 my objection. 2 BY MR. KRIDER: 3 Q In the first sentence of that paragraph, you 4 list both Spencer and Nugget, do you not? 5 A Yes, sir. 6 Q In the last sentence of that paragraph you only 7 list Spencer Rock, don't you? 8 A Yes, sir. 9 Q Why is there a distinction between those? 10 MR. SEWRIGHT: Objection, the 11 document speaks for itself, or that paragraph does. 12 THE WITNESS: To me these two are so 13 together, when I say Spencer, to me it's also 14 Nugget. 15 BY MR. KRIDER: 16 Q So why did you include Nugget Construction in 17 the first sentence? 18 A Because it was for both of them. 19 Q On the last -- in the last sentence, did you 20 intend that to also mean Nugget Construction? 21 A No. 22 Q On page 4 in paragraph 7 -- 23 A Okay. 24 Q -- would you agree with me that this paragraph 25 is here to indicate that you had other billing</p> |

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| <p style="text-align: right;">Page 78</p> <p>1 arrangements and relationships with Nugget outside 2 of this project?</p> <p>3 MR. SEWRIGHT: Object to the form of 4 the question. You are asking him to characterize 5 the entire paragraph?</p> <p>6 MR. KRIDER: I've characterized it, 7 and I've just asked him if he agrees.</p> <p>8 MR. SEWRIGHT: I object to the form. 9 The question is also compound.</p> <p>10 THE WITNESS: I think in partial, my 11 intent of this part -- and maybe it didn't come out 12 right or whatever, but was to say that Nugget 13 Construction was aware of our -- our billing 14 practices and rates, and we have done other work, 15 you know, for them in the form of labor and 16 equipment that they used of ours. And this pretty 17 much lists the various invoices.</p> <p>18 BY MR. KRIDER: 19 Q And are those invoices attached to your 20 affidavit?</p> <p>21 A I believe they are.</p> <p>22 Q And in all of those invoices, have they been 23 billed directly to Nugget?</p> <p>24 A Nugget, Nugget, Nugget, Nugget -- yes, sir. 25 And I -- and I didn't have any open account credit</p> | <p style="text-align: right;">Page 80</p> <p>1 that?</p> <p>2 A Yes, sir.</p> <p>3 Q What other et ceteras can you recall?</p> <p>4 A He also would call me and tell me what time he 5 wanted the longshoremen dispatched so they could 6 commence loading on the barge.</p> <p>7 Q Okay. What else?</p> <p>8 A And he -- he made sure that the guys on the tug 9 were up there watching the loading and that when we 10 became close to -- to being loaded, that they had 11 the engines warmed up so we would be able to just 12 drop the lines off and they could go immediately 13 instead of incurring additional expenditures for 14 line handlers. He kept in pretty close contact with 15 the barge crew, and then Bob would come down and 16 check with him. He pretty much was out in the yard 17 where they were loading the trucks, and come down 18 and check with him two or three times during the 19 day. I don't know if they were lining up railcars 20 or whatever. But -- but --</p> <p>21 What else? That's all I can think of at the 22 moment.</p> <p>23 Q Are any of Mr. Randolph's actions in this 24 regard unusual for an individual who is responsible 25 for the vessel, in your experience?</p> |
| <p style="text-align: right;">Page 79</p> <p>1 form that I knew of put in place, but I didn't deny 2 these guys, you know, our services. I mean --</p> <p>3 Q Didn't you testify earlier today that credit 4 arrangements were handled out of Anchorage?</p> <p>5 A Yes.</p> <p>6 Q And that you were not even aware whether or not 7 Spencer had engaged in credit?</p> <p>8 A That's true. So I might have been -- maybe I 9 was negligent by doing it, or maybe I did make a 10 call and see if they did. I don't recall at this 11 time, but that was probably the normal procedure 12 that you would do.</p> <p>13 Q I don't remember whether you actually answered 14 the question of whether or not all of the invoices 15 for the work described in paragraph 7 were sent 16 directly to Nugget.</p> <p>17 A I said yes, I believe. I'm not sure. Corbin, 18 Corbin, Corbin Drive. Yes, sir, they were.</p> <p>19 Q In paragraph 9 on page 5, the last full 20 sentence on the page has contained within it the 21 statement, "Mr. Randolph was present during the 22 loading of the barges and was making all the 23 decisions on the loading of the barges; what type of 24 rock to load, the quantity to load, arrival and 25 departure of the barges, et cetera." Do you see</p> | <p style="text-align: right;">Page 81</p> <p>1 A No. I think he did a very good job. He stayed 2 right on top of it.</p> <p>3 Q Mr. Goodwill, the skip bucket that was used to 4 load rock on the barges, who owned that at the time 5 of the performance?</p> <p>6 MR. SEWRIGHT: Object to the form of 7 the question. It calls for a legal conclusion.</p> <p>8 BY MR. KRIDER: 9 Q Do you know whose skip bucket it was?</p> <p>10 A I believe -- I'm not certain, but I'm thinking 11 that was Spencer Rock's.</p> <p>12 Q Do you know whether or not --</p> <p>13 A I don't -- I don't know any of the details or 14 what all had to be done to get it made. It was kind 15 of in a hurry thing, you know.</p> <p>16 Q Do you know whether or not Northern Stevedoring 17 procured that skip box from Spencer Rock Products at 18 some point in the future?</p> <p>19 A I believe there was a movement in that 20 direction. I can't recall, but I think that was 21 what was being discussed. I'm not certain, but 22 I'm -- that's -- I'm -- I know there was talk of it.</p> <p>23 Q Did the skip bucket remain in Northern 24 Stevedoring's possession in Seward after the project 25 was over?</p> |

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| <p style="text-align: right;">Page 82</p> <p>1 A No.</p> <p>2 Q Do you know what happened to it?</p> <p>3 A Man, I'm not certain. I believe it went to</p> <p>4 Anchorage, but I can't remember what method of</p> <p>5 transportation because it was so wide. It would</p> <p>6 have to go on a railcar.</p> <p>7 MR. SEWRIGHT: He's asking if you</p> <p>8 know.</p> <p>9 THE WITNESS: No, I don't, for</p> <p>10 certain.</p> <p>11 BY MR. KRIDER:</p> <p>12 Q Am I correct in your prior testimony today that</p> <p>13 you believe that in May and June of 1997 with regard</p> <p>14 to the loading of the rock that you had a contract</p> <p>15 with Nugget Construction for that work?</p> <p>16 MR. SEWRIGHT: Object to the form of</p> <p>17 the question. Not the contract part, but -- you</p> <p>18 understand the question?</p> <p>19 THE WITNESS: Yep. A written</p> <p>20 contract?</p> <p>21 BY MR. KRIDER:</p> <p>22 Q Written or oral.</p> <p>23 A No written contract. The only thing I have to</p> <p>24 go on for the oral is I was told by Randy where to</p> <p>25 send the bill.</p> | <p style="text-align: right;">Page 84</p> <p>1 THE WITNESS: I believe that the</p> <p>2 invoices would be sent in the same fashion, Nugget</p> <p>3 Construction Barge and/or Owners at the top and with</p> <p>4 Spencer Rock on the second line. I think they would</p> <p>5 be sent in the same fashion.</p> <p>6 BY MR. KRIDER:</p> <p>7 Q So Mr. Randolph's involvement didn't cause you</p> <p>8 to change how you were performing your work, did it?</p> <p>9 A No.</p> <p>10 Q In your 25 years working for Northern</p> <p>11 Stevedoring, have you ever been involved directly</p> <p>12 with an instance of back charges being exchanged</p> <p>13 between you and a client or a subvendor? Do you</p> <p>14 know what the term back charges means?</p> <p>15 A For services, like, rendered or something,</p> <p>16 something that you do?</p> <p>17 Q Right. Has anybody ever deducted a Northern</p> <p>18 Stevedoring invoice that you are aware of because of</p> <p>19 perhaps damage that you did in handling material?</p> <p>20 A I wish I could say no, but yes, we did damage a</p> <p>21 couple things.</p> <p>22 Q And is it normal for there to be a deduction on</p> <p>23 the final billing as a result of that?</p> <p>24 MR. SEWRIGHT: Object to the form of</p> <p>25 the question.</p> |
| <p style="text-align: right;">Page 83</p> <p>1 Q So that's the only evidence that you have of an</p> <p>2 oral contract between Northern Stevedoring and</p> <p>3 Nugget is Randy's instruction on where to send</p> <p>4 billing?</p> <p>5 A Yes.</p> <p>6 Q Are you aware of whether or not there was an</p> <p>7 investigation by the Army of Nugget's practices on</p> <p>8 this project?</p> <p>9 A No, sir.</p> <p>10 Q During the course of your performance, did you</p> <p>11 ever see a copy of the infamous support agreement?</p> <p>12 A No, sir.</p> <p>13 Q Have you seen one since then?</p> <p>14 A You know, there was some paperwork made</p> <p>15 available to me, but I don't believe I read that</p> <p>16 one. I did not.</p> <p>17 Q Mr. Goodwill, if you had not received billing</p> <p>18 instruction from Mr. Randolph, do you think your</p> <p>19 actions with regard to loading the rock on this</p> <p>20 project would have been any different?</p> <p>21 MR. SEWRIGHT: Counsel, I didn't hear</p> <p>22 that. Would you go over that one again?</p> <p>23 MR. KRIDER: Could you please restate</p> <p>24 the question?</p> <p>25 (The requested record was read.)</p> | <p style="text-align: right;">Page 85</p> <p>1 THE WITNESS: Let me think. It</p> <p>2 varied. Sometimes they might make a deduction, but</p> <p>3 normally they would pay the invoice and we would get</p> <p>4 a whole separate bill. I mean, yeah, that's pretty</p> <p>5 much what we would do. They normally pay it and</p> <p>6 then we would get something, you know, after the</p> <p>7 deductible.</p> <p>8 BY MR. KRIDER:</p> <p>9 Q So you said deductible. Is that what your last</p> <p>10 answer was?</p> <p>11 A Yes.</p> <p>12 Q Is it your experience when those things happen</p> <p>13 there are usually insurance claims involved?</p> <p>14 A Yes.</p> <p>15 Q Have you ever worked for a contractor?</p> <p>16 MR. SEWRIGHT: Object to the form of</p> <p>17 the question.</p> <p>18 THE WITNESS: What kind of</p> <p>19 contractor?</p> <p>20 BY MR. KRIDER:</p> <p>21 Q Somebody who constructs things.</p> <p>22 A Like buildings and --</p> <p>23 Q Correct.</p> <p>24 MR. SEWRIGHT: Object to the form.</p> <p>25 You mean as an employee of the contractor?</p> |

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| <div>Page 86</div> <div><div>1</div><div>MR. KRIDER: Either. Either as an</div><div>2</div><div>owner of a contracting entity or as an employee of a</div><div>3</div><div>contracting firm.</div><div>4</div><div>MR. SEWRIGHT: Do you understand the</div><div>5</div><div>question?</div><div>6</div><div>THE WITNESS: Uh-huh.</div><div>7</div><div>MR. SEWRIGHT: Okay.</div><div>8</div><div>THE WITNESS: Yes.</div><div>9</div><div>BY MR. KRIDER:</div><div>10</div><div>Q And when was that?</div><div>11</div><div>A Down in Petersburg. Let's see. This goes back</div><div>12</div><div>a long ways. It was a contractor. We went into</div><div>13</div><div>little villages and put in floats and drove piling</div><div>14</div><div>and put in the creosote. And that would have been</div><div>15</div><div>back in the '70s.</div><div>16</div><div>Q And what was your position?</div><div>17</div><div>A I was kind of a go-for, and I was a cook.</div><div>18</div><div>Q Camp cook?</div><div>19</div><div>A Yeah, for the barge. It was Martinez.</div><div>20</div><div>Martinson. That was the name of it. Martinson. We</div><div>21</div><div>went around and did little jobs. Let's see. Any</div><div>22</div><div>other contractors. Nothing else official, just --</div><div>23</div><div>Q I guess we will just get this on the record.</div><div>24</div><div>What's your mailing address?</div><div>25</div><div>A Box 594, Seward, Alaska 99664.</div></div> | <div>Page 88</div> <div><div>1</div><div>and go off the record. Let me take a couple</div><div>2</div><div>minutes. I may be done.</div><div>3</div><div>(A break was taken.)</div><div>4</div><div>(Exhibit No. 8 marked.)</div><div>5</div><div>BY MR. KRIDER:</div><div>6</div><div>Q Mr. Goodwill, you have been handed Exhibit 8,</div><div>7</div><div>which is a document your Counsel -- North Star's</div><div>8</div><div>Counsel provided to me prior to your deposition</div><div>9</div><div>today. Have you ever seen this document before?</div><div>10</div><div>A No, sir.</div><div>11</div><div>Q Have you had a chance to review this?</div><div>12</div><div>A Yes, sir.</div><div>13</div><div>Q Do any of the descriptions of purported phone</div><div>14</div><div>notes with Mr. LaPore ring a bell to you of</div><div>15</div><div>conversations that you had?</div><div>16</div><div>A It's nothing that -- not mine.</div><div>17</div><div>MR. KRIDER: I have no further</div><div>18</div><div>questions.</div><div>19</div><div>MR. SEWRIGHT: I have no questions of</div><div>20</div><div>the witness at this time.</div><div>21</div><div>MR. SHAMBUREK: I have none.</div><div>22</div><div>MR. KRIDER: Thank you, Mr. Goodwill.</div><div>23</div><div>THE WITNESS: You are welcome.</div><div>24</div><div>MR. KRIDER: Off the record.</div><div>25</div><div>(Proceedings adjourned at 3:23 p.m.)</div></div> |
| <div>Page 87</div> <div><div>1</div><div>Q Do you have a physical address?</div><div>2</div><div>A It's 535 Ballaine Avenue.</div><div>3</div><div>Q Still in Seward?</div><div>4</div><div>A Yes, sir.</div><div>5</div><div>Q Mr. Goodwill, what did you do in preparation</div><div>6</div><div>for your deposition today?</div><div>7</div><div>A Today?</div><div>8</div><div>Q What did you do prior to today or today in</div><div>9</div><div>preparation of your deposition?</div><div>10</div><div>A Oh, it's been so darn long. I looked over my</div><div>11</div><div>two affidavits and a few papers, legal counsel.</div><div>12</div><div>Q Did you speak to anybody other than counsel?</div><div>13</div><div>A No.</div><div>14</div><div>Q When was the last time you spoke with</div><div>15</div><div>Mr. Bentz?</div><div>16</div><div>A 2002, I believe. 2002, right after I got my</div><div>17</div><div>pink slip.</div><div>18</div><div>Q Was that by phone or did you see him in person?</div><div>19</div><div>A It was over the phone.</div><div>20</div><div>Q Did you talk about this case at all?</div><div>21</div><div>A No, sir.</div><div>22</div><div>Q Is Northern Stevedoring or North Star paying</div><div>23</div><div>you anything for being here today?</div><div>24</div><div>A No, sir.</div><div>25</div><div>MR. KRIDER: Why don't we go ahead</div></div> | <div>Page 89</div> <div><div>1</div><div>C-E-R-T-I-F-I-C-A-T-E</div><div>2</div><div>I hereby certify that I have read the</div><div>3</div><div>foregoing transcript and accept it as true and</div><div>4</div><div>correct, with the following exceptions:</div><div>5</div><div>=====</div><div>6</div><div>PAGE LINE CORRECTION</div><div>7</div><div>_____</div><div>8</div><div>_____</div><div>9</div><div>_____</div><div>10</div><div>_____</div><div>11</div><div>_____</div><div>12</div><div>_____</div><div>13</div><div>_____</div><div>14</div><div>_____</div><div>15</div><div>_____</div><div>16</div><div>_____</div><div>17</div><div>_____</div><div>18</div><div>_____</div><div>19</div><div>Date JACK GOODWILL</div><div>20</div><div>(March 16, 2006)</div><div>21</div><div></div><div>22</div><div>(Use additional paper to note corrections</div><div>23</div><div>as needed, signing and dating each page.)</div><div>24</div><div>(MV)</div><div>25</div><div></div></div> |

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REPORTER'S CERTIFICATE

I, MARY A. VAVRIK, RMR, Notary Public in
and for the State of Alaska do hereby certify:
That the witness in the foregoing
proceedings was duly sworn; that the proceedings
were then taken before me at the time and place
herein set forth; that the testimony and proceedings
were reported stenographically by me and later
transcribed under my direction by computer
transcription; that the foregoing is a true record
of the testimony and proceedings taken at that time;
that the witness requested signature; and that I am
not a party to nor have I any interest in the
outcome of the action herein contained.

IN WITNESS WHEREOF, I have hereunto
subscribed my hand and affixed my seal this ____
day of _____ 2006.

MARY A. VAVRIK,
Registered Merit Reporter
Notary Public for Alaska

My Commission Expires: November 5, 2008

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